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that a pair of "black hawks" had taken possession of the old nest. As such birds were not common thereabouts the statement was worth looking into. I reached the tree just before sundown and to my delight I found things as represented and that one bird then occupied the nest. It was black sure enough, and resented interference with many angry screams as it circled above the tree. It proved to be a male Band-tailed Buzzard (*Buteo abbreviatus*). Unfortunately the female, although seen at a distance, failed to respond to the cries of her mate, and what was still more unfortunate the nest contained no eggs. It had been newly lined with leaves from the tree and was apparently ready for housekeeping. I waited till noon the day following in the hope of being able to make a closer acquaintance with the mate of the bird I then had, but had to leave without being thus privileged.

I subsequently learned from the late Major Chas. E. Bendire that he had, during the spring of 1872, climbed this same cottonwood tree and had examined the nest in question. He was at that time camped on the Rillito and had, while scouting, seen the nest. Some days later, as no hostile Indians were known to be about, he returned to the tree and climbed to the nest, which is located in a fork of the tree about 40 feet up. While examining the nest he happened to look in the direction of the opposite hill and saw an Indian watching him from behind a giant cactus with which the hills thereabouts are thickly covered. To be caught meant a lingering death at the stake, to escape, under the circumstances, seemed almost impossible, but he did. He pretended not to have seen the Indian and after having apparently satisfied himself about the nest he slowly descended the tree, but no sooner did his feet touch the ground than he made a run for his horse which was tied a short distance below. As he did so about thirty Indians gave chase, but he fortunately got away. — HERBERT BROWN, *Yuma, Arizona*.

Nesting of the American Rough-legged Hawk in North Dakota. — The nesting of the American Rough-legged Hawk (*Archibuteo lagopus sanctijohannis*) within the borders of the United States is so rare an occurrence that it may be worth while to record the breeding of a pair of these birds in Nelson County, North Dakota, this year. Our guide, Mr. Alfred Eastgate, a naturalist and taxidermist of considerable experience, who is quite familiar with this species, which is abundant there in winter, told us that the pair had nested in this vicinity for several years. We first saw the nest on June 4, 1901, as we were driving along near a narrow strip of timber on the edge of a lake. The nest was conspicuously located in an isolated swamp oak at the end of the timber, so that it could be plainly seen from a distance, and as we drew near we could see the head of the hawk as she sat upon the nest. Although the nest was only thirty feet from the ground the hawk would not leave it until we rapped on the tree, when she flew slowly off and perched on a tree near by; we had a good look at her at short range which left no doubt in our minds as to the

identification. She was in full dark plumage, the darkest phase I have ever seen in this species, and the feathering on the tarsi was clearly noted. The nest was a large one, measuring two feet in diameter by one foot deep outside, the inner cavity measuring nine inches across by four inches deep. It was built in a crotch of the main trunk of the tree, resting partially on some smaller branches; it was made of large sticks and lined with pieces of dry flags and shreds of the same, with a few sprigs of green leaves. It contained two fresh eggs which we left for future reference, supposing that the set was incomplete. We visited the locality again on June 7 and had another good look at the bird, sitting on a fence-post, but there were still only two eggs in the nest.

As we had to leave this vicinity on the following day we collected the set of two eggs, which is now in the collection of Rev. H. K. Job of Kent, Conn. Mr. Job visited the locality again on June 20 but found the nest deserted. — A. C. BENT, *Taunton, Mass.*

Melanerpes erythrocephalus Breeding near Boston.—On the 26th of June, 1901, I saw a pair of Red-headed Woodpeckers feeding their young in Newton, Mass., the nest being in a dead stump at a height of twenty or twenty-five feet from the ground. According to Messrs. Howe and Allen's 'Birds of Massachusetts' this would seem to be the first nest ever recorded from eastern Massachusetts, although Mr. Brewster, in his edition of Minot, speaks of one found in Brookline in 1878. — BRADFORD TORREY, *Wellesley Hills, Mass.*

Discovery of the Egg of the Black Swift (*Cypseloides niger borealis*).—On the morning of June 16, 1901, I, with a companion, started out with the intention of taking a few sets of Cormorants' eggs on the cliffs a few miles west of Santa Cruz, California. On reaching the locality, I noticed a pair of Black Swifts flying about over the cliffs, much lower than they usually fly. One bird rose high in the air and struck off in a bee line, at the rate of a mile a minute. I then resumed my search for the Cormorants, which I found on the face of the cliff, where the shore line turns sharply inland and about where the Swifts had been seen.

After throwing clods and stones for some time, to flush the cormorants in order to ascertain whether the nests contained full sets, we then, with the aid of a rope ladder and a pole and dipnet, took two sets of Baird's Cormorant containing four eggs each and one of Brandt's Cormorant containing three eggs, from nests situated about 25 or 30 feet from the top of the cliff.

After moving my ladder a little, I proceeded to reach out and down for a more distant set of Baird's Cormorant eggs when suddenly, right from under the pole and not more than three or four feet from my hand, a Black Swift flew out and down toward the water and passed around the angle toward the ocean. It did not rise above the cliff; in the immediate